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INDUSTRY CO., LTD. and FOXCONN  
ELECTRONICS INC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

15 LOTES CO. LTD., a Taiwan Corporation,  
16 Plaintiff and Counterclaim Defendants,  
17 v.  
18 HON HAI PRECISION INDUSTRY CO.,  
19 LTD., a Taiwan Corporation, and FOXCONN  
20 ELECTRONICS, INC., a California  
Corporation,  
21  
Defendants and  
Counterclaim Defendants

Case No. 3:11-cv-01036-WHA

**JOINT STIPULATION AND  
[PROPOSED] ORDER MODIFYING  
CLAIM CONSTRUCTION  
DISCOVERY AND BRIEFING  
SCHEDULE**

1           Defendants and Counterclaimants Hon Hai Precision Industry Co. Ltd. and Foxconn  
 2 Electronics, Inc. (collectively “Foxconn”) and Plaintiff and Counterclaim Defendant Lotes Co.  
 3 Ltd. (“Lotes”) file this joint stipulation respectfully requesting an Order modifying deadlines for  
 4 claim construction discovery and claim construction briefing.

5           WHEREAS, pursuant to Patent L.R. 4-4, claim construction discovery, including any  
 6 depositions with respect to claim construction of any witnesses, including experts, must currently  
 7 be completed by January 23, 2017.

8           WHEREAS, pursuant to Patent L.R. 4-5, the opening claim construction brief is currently  
 9 due on February 6, 2017, the responsive claim construction brief is currently due on February 21,  
 10 2017, and the reply claim construction brief is currently due on February 28, 2017.

11          WHEREAS, the Parties have agreed to stipulate to request an extension of the claim  
 12 construction discovery and claim construction briefing dates to accommodate the schedules of the  
 13 Parties’ experts. In particular, Foxconn’s expert, Dr. Michael G. Pecht, is working in Asia  
 14 through early February and will not be available for a deposition until February 10, 2017. Lotes’s  
 15 expert, Dr. Vijay Gupta, will be available for deposition on February 17, 2017.

16          WHEREAS, the Parties have stipulated that the depositions of Drs. Pecht and Gupta shall  
 17 be limited to issues relating to claim construction, and that these depositions shall not preclude  
 18 later depositions on these experts’ respective reports, as provided for pursuant to the Case  
 19 Management Order. Dkt. 228, ¶ 5.

20          WHEREAS, this brief extension will not impact any other dates on the trial schedule  
 21 because there will be no separate claim construction hearing pursuant to the Case Management  
 22 Order. Dkt. 228, ¶ 18. The close of non-expert discovery will remain on June 30, 2017. The  
 23 deadline to file dispositive motions will remain on July 27, 2017. The start of trial will remain on  
 24 November 6, 2017. There have been no previous time modifications in this case.

25          NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
 26 the Parties, through their respective attorneys of record, and subject to approval by the Court, the  
 27 following schedule:

28

Event	Previous Date	New Date
P.L.R. 4-4 Completion of Claim Construction Discovery	Monday, January 23, 2017	Friday, February 17, 2017
4-5(a) Opening Claim Construction Brief	Monday, February 6, 2017	Friday, March 3, 2017
4-5(b) Responsive Claim Construction Brief	Tuesday, February 21, 2017	Friday, March 17, 2017
4-5(c) Reply Claim Construction Brief	Tuesday, February 28, 2017	Friday, March 24, 2017

Dated: January 17, 2017

Respectfully submitted,

ORRICK, HERRINGTON &amp; SUTCLIFFE LLP

By: /s/ Don Daybell

DON DAYBELL  
 Attorneys for Defendants HON HAI PRECISION  
 INDUSTRY CO., LTD. and FOXCONN  
 ELECTRONICS, INC.

Dated: January 17, 2017

SHEPPART, MULLIN, RICHTER &amp; HAMPTON LLP

By: /s/ Darren M. Franklin

DARREN M. FRANKLIN  
 Attorneys for Plaintiff and Counterclaim Defendant  
 LOTES CO., LTD.

**Filer's Attestation:** I, Don Daybell, am the ECF User whose User ID and password are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that I have obtained concurrence in the filing of this document from the above-listed signatories.

PURSUANT TO STIPULATION, IT IS SO ORDERED. Counsel shall not use the schedule modifications granted herein as a basis for requesting any continuances of trial dates.

Dated: January 19, 2017.

By:   
 The Honorable William Alsup  
 United States District Judge